

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN JIM KEANE**, on February 3, 2005 at 8:00 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Jim Keane, Chairman (D)
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)
Rep. Joe McKenney, Vice Chairman (R)
Rep. Elsie Arntzen (R)
Rep. Bob Bergren (D)
Rep. Tim Dowell (D)
Rep. Kevin T. Furey (D)
Rep. Dave Gallik (D)
Rep. Ralph Heinert (R)
Rep. Llew Jones (R)
Rep. Mike Jopek (D)
Rep. Harry Klock (R)
Rep. Scott Mendenhall (R)
Rep. Mike Milburn (R)
Rep. Don Roberts (R)
Rep. Wayne Stahl (R)
Rep. Dan Villa (D)
Rep. Jonathan Windy Boy (D)

Members Excused: None.

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Kyanne Kelly, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 228, 1/24/2005; HB 401,
1/24/2005; HB 409, 1/24/2005
Executive Action: HB 339, HB 228, HB 401, HB 203, HB
156, HB 344, HB 281, HB 441

HEARING ON HB 228

Opening Statement by Sponsor:

REP. KATHLEEN GALVIN-HALCRO (D) , HD 26, opened the hearing on **HB 228**, Mandatory employee break time.

00:00:01

EXHIBIT(buh27a01)

Proponents' Testimony:

00:07:48 Gene Fenderson, Montana District Council of
Laborers
00:09:56 Jim Kembel, Montana Association of Chiefs of
Police
00:10:32 Jason Miller, Brotherhood of Carpenters
00:11:22 Darrell Holzer, AFL-CIO
00:12:42 Keith Allen, Brotherhood of Electrical Workers

Opponents' Testimony:

00:13:12 Brad Griffin, Montana Retail Association
00:15:18 Bruce Spencer, Montana Automobile Dealers
Association
00:17:09 Tom England, Self as small businessman
00:18:44 Carl Schweitzer, Bozeman and Kalispell Chamber of
Commerce
00:19:52 Barbara Ranf, Montana Chamber of Commerce

Informational Testimony:

00:21:53 John Andrew, Department of Labor and Industry

Questions from Committee Members and Responses:

00:22:22

Closing by Sponsor:

00:27:52

HEARING ON HB 401

Opening Statement by Sponsor:

REP. JIM KEANE (D), HD 75, opened the hearing on HB 401, Revise crane and hoist license law.

00:30:49

Proponents' Testimony:

00:32:57 Greg Poncelet, Montana Crane Service, Bozeman

[**EXHIBIT**](#)(buh27a02)

00:46:48 Cary Hegreberg, Montana Contractors Association

Opponents' Testimony: None

Informational Testimony:

00:47:52 Jim Brown, Department of Labor

Questions from Committee Members and Responses:

00:48:40

Closing by Sponsor:

00:59:35

HEARING ON HB 409

Opening Statement by Sponsor:

REP. GEORGE GOLIE (D), HD 20, opened the hearing on HB 409, Revise workforce drug and alcohol testing.

01:01:53

Proponents' Testimony:

01:04:43 Ronna Alexander, OraSure Technology

[**EXHIBIT**](#)(buh27a03)

[**EXHIBIT**](#)(buh27a04)

01:12:39 Ken Kunsman, OraSure Technology

01:13:46 Angela Janacaro, Montana Mining Association

01:14:22 Jerry Driscoll, AFL-CIO

01:15:08 Carl Schweitzer, American Sub-Contractor's Association of Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:16:58

Closing by Sponsor:

01:25:28

EXECUTIVE ACTION ON HB 339

Motion: REP. BERGREN moved that HB 339 DO PASS.

Motion: REP. VILLA moved that HB 339 BE AMENDED.

Discussion:

[EXHIBIT](#) (buh27a05)

02:00:00

Motion: REP. GALLIK moved that amendment to HB 339 BE SEGREGATED. That parts 1, 2, 4 of the amendment do pass.

Vote: Motion carried unanimously by voice vote.

Motion: REP. GALLIK moved that HB 339 DO PASS AS AMENDED.

Discussion:

02:04:00

Motion: REP. GALVIN-HALCRO moved that Part three of HB 339 AMENDMENT DO PASS.

Vote: Motion carried 17-1 by voice vote with REP. GALLIK voting no.

Motion/Vote: REP. GALVIN-HALCRO moved that HB 339 DO PASS AS AMENDED. Motion failed 9-9 by roll call vote with REPS. BERGREN, DOWELL, FUREY, GALLIK, GALVIN-HALCRO, JOPEK, KEANE, VILLA, and WINDY BOY voting aye.

EXECUTIVE ACTION ON HB 228

Motion: REP. GALVIN-HALCRO moved that HB 228 DO PASS.

Discussion:

[EXHIBIT](#) (buh27a06)

02:11:00

Motion: REP. GALVIN-HALCRO moved that HB 228 BE AMENDED.

Discussion:

02:12:00

Vote: Motion carried unanimously by voice vote.

Motion: REP. GALVIN-HALCRO moved that HB 228 DO PASS AS AMENDED.

Discussion:

02:15:00

Vote: Motion failed 9-9 by roll call vote with REPS. BERGREN, DOWELL, FUREY, GALLIK, GALVIN-HALCRO, JOPEK, KEANE, VILLA, and WINDY BOY voting aye.

EXECUTIVE ACTION ON HB 401

Motion: REP. KEANE moved that HB 401 DO PASS.

Discussion:

[EXHIBIT](#) (buh27a07)

Motion/Vote: REP. KEANE moved that HB 401 BE AMENDED. Motion carried unanimously by voice vote.

Motion: REP. KEANE moved that HB 401 DO PASS AS AMENDED.

Discussion:

02:24:00

Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 203

Motion: REP. BERGREN moved that HB 203 DO PASS.

Discussion:

[EXHIBIT](#)(buh27a08)

02:26:00

Motion: REP. BERGREN moved HB 203 be amended.

Discussion:

02:27:00

Vote: Motion carried unanimously by voice vote.

Motion: REP. ROBERTS moved that HB 203 DO PASS AS AMENDED.

Discussion:

02:30:00

Vote: Motion carried 14-4 by roll call vote with REPS. DOWELL, GALLIK, JOPEK, and KEANE voting no.

EXECUTIVE ACTION ON HB 156

Motion: REP. FUREY moved that HB 156 DO PASS.

Motion: REP. JOPEK moved that HB 156 BE AMENDED.

Discussion:

[EXHIBIT](#)(buh27a09)

02:26:00

Vote: Motion carried unanimously by voice vote.

Motion: REP. FUREY moved that HB 156 DO PASS AS AMENDED.

Discussion:

02:37:00

Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 344

Motion: REP. GALLIK moved that HB 344 DO PASS.

Motion: REP. GALLIK moved that HB 344 BE AMENDED.

Discussion:

[EXHIBIT](#) (buh27a10)

02:43:00

Vote: Motion carried 16-2 by voice vote with REPS. MENDENHALL and STAHL voting no.

Motion: REP. GALLIK moved that HB 344 DO PASS AS AMENDED.

Discussion:

02:26:00

Vote: Motion carried 13-5 by roll call vote with REPS. ARNTZEN, KLOCK, MCKENNEY, MILBURN, and STAHL voting no.

EXECUTIVE ACTION ON HB 281

Motion: REP. MCKENNEY moved that HB 281 DO PASS.

Discussion:

02:57:00

Vote: Motion carried 11-7 by roll call vote with REPS. BERGREN, DOWELL, GALLIK, GALVIN-HALCRO, KEANE, VILLA, and WINDY BOY voting no.

EXECUTIVE ACTION ON HB 343

Motion: REP. GALLIK moved that HB 343 DO PASS.

Discussion:

03:10:00

Vote: Motion failed 9-9 by roll call vote with REPS. BERGREN, DOWELL, FUREY, GALLIK, GALVIN-HALCRO, JOPEK, KEANE, VILLA, and WINDY BOY voting aye.

EXECUTIVE ACTION ON HB 441

Motion: REP. KEANE moved that HB 441 DO PASS.

Discussion:

Vote: Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 11:32 A.M.

REP. JIM KEANE, Chairman

KYANNE KELLY, Secretary

JK/kk

Additional Exhibits:

EXHIBIT ([buh27aad0.PDF](#))